

Docket No.: 53326-016



**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter claimed and for which a patent is sought on the **DISTRIBUTED PRODUCTION SYSTEM FOR DIGITALLY ENCODING INFORMATION**, the specification of which

☐ is attached hereto.

☒ was filed on February 8, 2000 as Application Serial No. 09/499,961 and was amended on (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

**Prior Foreign Applications(s):**

Number

Country

Day/Month/Year filed

11/2/2000

**Priority Claimed**

☐  
☐

I hereby claim the benefit under 35 USC §119(e) of any United States provisional application(s) listed below.

**Prior Provisional Application(s):**

Application Number 60/119,762

Filing Date February 11, 1999

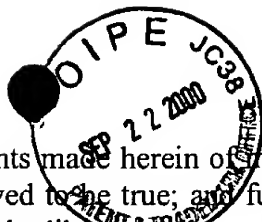
I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

**Prior U.S. Application(s):**

Serial No.

Filing Date

Status: Patented, Pending, Abandoned



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint the following attorney(s) and/or agent(s): Edward A. Becker, Reg. No. 37,777; Stephen A. Becker, Reg. No. 26,527; Marcel K. Bingham, Reg. No. 42,327; John G. Bisbikis, Reg. No. 37,095; Carl L. Brandt, Reg. No. 44,555; Kenneth L. Cage, Reg. No. 26,151; Stephen C. Carlson, Reg. No. 39,929; Jennifer C. Chen, Reg. No. 42,404; Tobi C. Clinton, Reg. No. 43,553; Thomas A. Corrado, Reg. No. 42,439; Paul Devinsky, Reg. No. 28,553; Laura A. Donnelly, Reg. No. 38,435; Margaret M. Duncan, Reg. No. 30,879; Brian E. Ferguson, Reg. No. 36,801; Michael F. Fogarty, Reg. No. 36,139; Wilhelm F. Gadiano, Reg. No. 37,136; Keith E. George, Reg. No. 34,111; John A. Hankins, Reg. No. 32,029; Brian D. Hickman, Reg. No. 35,894; Eric J. Kraus, Reg. No. 36,190; Edward E. Kubasiewicz, Reg. No. 30,020; Jack Q. Lever, Reg. No. 28,149; Raphael V. Lupo, Reg. No. 28,363; Christine F. Martin, Reg. No. 39,762; Michael A. Messina, Reg. No. 33,424; Eugene J. Molinelli, Reg. No. 42,901; Tuan V. Ngo, Reg. No. 44,259; Christopher J. Palermo, Reg. No. 42,056; Joseph H. Paquin, Jr., Reg. No. 31,647; Robert L. Price, Reg. No. 22,685; Gene Z. Robinson, Reg. No. 33,351; Joy Ann G. Serauskas, Reg. No. 27,952; Michele M. Schafer, Reg. No. 34,717; David A. Spenard, Reg. No. 37,449; Arthur J. Steiner, Reg. No. 26,106; David L. Stewart, Reg. No. 37,578; Carina M. Tan, Reg. No. P45,769; Leonid D. Thenor, Reg. No. 39,397; Keith J. Townsend, Reg. No. 40,358; Aaron Weisstuch, Reg. No. P41,557; Edward J. Wise, Reg. No. 34,523; Alexander V. Yampolsky, Reg. No. 36,324; and Robert W. Zelnick, Reg. No. 36,976, all of

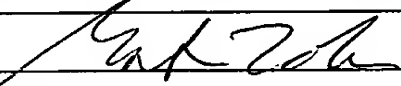
MCDERMOTT, WILL & EMERY  
600 13<sup>th</sup> Street, N.W.  
Washington, DC 20005-3096

with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all future correspondence should be addressed to them.

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Full name of sole or first inventor: MARTIN TOBIAS

Inventor's signature: 

Date: 5/8/00

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 3601 East Union Seattle, WA 98122

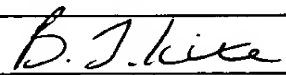
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Full name of second inventor: BEVERLEY KITE

Inventor's signature: 

Date: 4/14/00

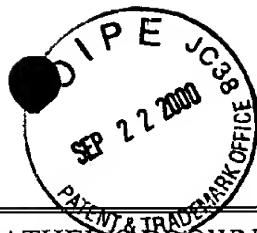
Residence: Seattle, WA

Citizenship: United Kingdom

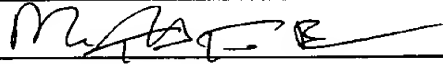
Post Office Address: 420 N/W 73rd, Seattle, WA 98117

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Full name of third inventor: MATHEWS BROWN

Inventor's signature: 

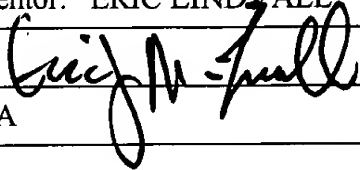
Date: 4-19-00

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 1118 E. John Street, Seattle, WA 98102

Full name of fourth inventor: ERIC LINDVALL

Inventor's signature: 

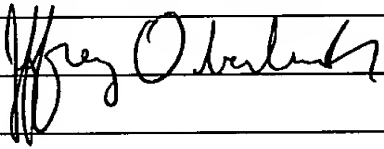
Date: 5-5-00

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 2648 14th Avenue W #1, Seattle, WA 98119

Full name of fifth inventor: JEFFREY OBERLANDER

Inventor's signature: 


Date: 4/19/00

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 3231 42nd Avenue SW, Seattle, WA 98116

Full name of sixth inventor: ARON ROBERTS

Inventor's signature: 

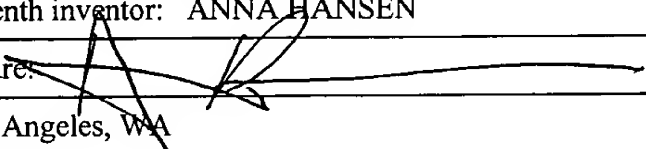
Date: 8/18/2000

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 1118 E. John Street, Seattle, WA 98102

Full name of seventh inventor: ANNA HANSEN

Inventor's signature: 

Date: 4/14/2000

Residence: Port Angeles, WA

Citizenship: U.S.A.

Post Office Address: 367 Glacier Lane, Port Angeles, WA 98363



Full name of eighth inventor: GREGORY MALLEY

Inventor's signature:

*Gregory Malley*

Date: 4/19/00

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 5509 Kensington Place North, Seattle, WA 98103

Full name of ninth inventor: KEN SUZUKI

Inventor's signature:

*Ken Suzuki*

Date: 4/19/00

Residence: Seattle, WA

Citizenship: U.S.A.

Post Office Address: 510 Lakeside Avenue S., #10, Seattle, WA 98144

Applicant or Patentee: Martin Tobias, et al

Attorney's Docket No.: 53326-016

Serial or Patent No.: 09/499,961

Filed or Issued: Filed February 8, 2000

For: DISTRIBUTED PRODUCTION SYSTEM FOR DIGITALLY ENCODING INFORMATION

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS**  
**(37) CFR 1.9(f) and 1.27(c) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:  
☒ an official of the small business concern empowered to act on behalf of the concern identified below:



NAME OF ORGANIZATION: Loudeye Technologies, Inc.

ADDRESS OF ORGANIZATION: 414 Olive Way, Suite 300, Seattle, Washington 98101

I hereby declare that the above identified small business concern qualified as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention, entitled **DISTRIBUTED PRODUCTION SYSTEM FOR DIGITALLY ENCODING INFORMATION** by inventor(s) MARTIN TOBIAS, BEVERLEY KITE, MATHEWS BROWN, ERIC LINDVALL, JEFFREY OBERLANDER, AARON ROBERTS, ANNA HANSEN, GREG MALLEY, KEN SUSUKI described in

- ☐ the specification filed herewith;  
☒ application Serial No. 09/499,961, filed February 8, 2000  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING: TOM HODGE

TITLE IN ORGANIZATION: Vice President & General Counsel

ADDRESS OF PERSON SIGNING: 414 Olive Way, Suite 300, Seattle, WA 98101

SIGNATURE: *Thomas A. Hodge*

DATE: May 9, 2000